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4 UNITED STATES DISTRICT COURT

5 DISTRICT OF NEVADA

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7 DENNIS MONTGOMERY and the) 3:06-CV-00056-PMP-VPC
8 MONTGOMERY FAMILY TRUST,) **BASE FILE**
9 Plaintiffs,) 3:06-CV-00145-PMP-VPC
10 v.)
11 ETREPPID TECHNOLOGIES, LLC;) O R D E R
12 WARREN TREPP; and the UNITED)
13 STATES DEPARTMENT OF DEFENSE,)
14 Defendants.)
15 AND ALL RELATED MATTERS.)

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17 Throughout these consolidated proceedings, the parties have submitted a variety
18 of filings under seal. The Court recognizes that the basis for sealing some of the filings
19 previously made relate to the assertion of state secrets and trade secrets privilege claims,
20 and in some instances were filed under seal because of reference to matters pending in a
21 related search warrant case, 3:06-CV-0263-PMP-VPC. In other instances, however, it is
unclear why filings have been made under seal.

22 The Court appreciates that motions for protective order filed on behalf Defendant
23 eTreppid and Defendant Department of Defense are still in the briefing stage and that in
24 accord with a separate order with this Court the parties are currently reviewing the sealed
25 search warrant case filed in 3:06-0263-PMP-VPC, to determine whether state secrets or
26 trade secret privileges may apply to any filings in that case. Those matters will be resolved

1 in due course. To the extent the parties have made other filings under seal in these
2 consolidated cases which are not sealed for the reasons cited above, the Court is of the view
3 that said filings should unsealed unless the party making the sealed filing can set forth
4 grounds justifying the maintenance of the filing under seal.

5 IT IS THEREFORE ORDERED that the parties to these consolidated actions
6 shall have to and including April 27, 2007, within which to show cause in writing why the
7 particular filings made by respective parties under seal should not be unsealed. To the
8 extent the basis for sealing a particular filing relates to the pendency of state secrets or trade
9 secrets, counsel of the parties have only to identify the pertinent sealed filing at issue.
10 Otherwise, the parties shall articulate the alternative basis which warrants continued sealing
11 of the particular sealed filings they have made.

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13 DATED: March 23, 2007

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16 PHILIP M. PRO
United States District Judge
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